

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

UNITED STATE OF AMERICA,)
Plaintiff)

Vs.)

Case Number 3:05cr223LSC

ALDRIC HARRIS,)
Defendant)

MOTION TO CORRECT SENTENCE

Comes now Defendant, Aldric Harris, pro se, before this Honorable Court and moves to have the sentencing guide line in this cause re-evaluated as the offense level and the guideline range for this defendant should be within a 34-41 month range as scored by the applicable offense level and the history score, due to the fact that the state court did not proceed with any charges for the alleged criminal act associated with this case and therefore the defendant should not be held accountable for this enhancement under the guideline manual range and application.

The under laying charge is felon in possession of a fire arm 18 U.S.C. 922 (g) and the maximum sentence under this statute is 120 months, of which the defendant was sentenced to, because of the presumption that the defendant had committed a related offense, thus the offense must have resulted in a conviction of which was not the case in this matter before this court on this case.

The Supreme Court has held unanimously that "if the under laying charge does not result in a conviction or is dismissed the defendant can not be and will not be held accountable for those offenses for enhancement purposes" although the state court did not even attempt to present the case before the Grand Jury of the state, the Federal Probation

MOTION DENIED

THIS 29th DAY OF September, 2006

/s/ L. Scott Coogler

UNITED STATES DISTRICT JUDGE